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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,998	10/21/1999	DANIEL W. HEPNER	10990763-1	6218

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EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/422,998

Applicant(s)

HEPNER ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-5, 11-13, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admitted prior art.**

Regarding to claims 1 and 13, applicant admitted prior art teaches an operated application program for investigating and obtaining information about system attributes as a method and reporting application for stimulating notification regarding changes of system attributes (page 2, lines 1-5). The applicant admitted prior art application program can issue commands querying a system, and in response to such commands receive "actual" data (page 3, 21-23). This indicates the steps of ***receiving a request from a client to notify said client of a condition of an attribute of a system, wherein said request comprises information specifying a query for said system attribute; and querying said system as specified by said request*** for receiving "actual" data. Applicant admitted prior art fails to disclose the steps of ***deriving data about said system attribute to determine if said condition exists; and upon determining that said condition exists, notifying said client of the existence of said condition***. However, applicant admitted prior art discloses that the application program may itself figure out whether any changes as ***the conditions*** have occurred in the system attributes, so that the program may account for any such changes. Thus, the application program itself may contain the complexity of obtaining information about system attributes, and determining whether any changes have occurred in the system attributes (page 2, lines 4-8). This indicates the step of ***deriving data about said system attribute to determine if said condition exists***. Additionally, if changes have occurred in the system attributes, the application program may further determine whether such changes as ***the conditions*** are changes that effect the program or for which the program must account (page 2, lines 8-10), and stimulate notification

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regarding changes (page 2, lines 1-2). This indicates the step of ***upon determining that said condition exists notifying said client of the existence of said condition.***

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art by combining the steps of receiving request, querying system, deriving data, determining condition exist and notifying the client in order to stimulate notification regarding changes of system attributes.

Regarding to claim 18, applicant admitted prior art teaches a system for investigating and obtaining information about system attributes and an application program for stimulating notification regarding changes of system attributes as the means for ***storing and executing reporting application*** (page 2, lines 1-5). The applicant admitted prior art application program can issue commands querying a system, and in response to such commands receive "actual" data (page 3, 21-23). This indicates the steps of ***receiving from a client a request to notify said client of a condition of an attribute of a system, request comprising information specifying a query for said system attribute.*** Applicant admitted prior art fails to disclose the steps of ***determining if said condition exists; and upon determining that said condition exists, notifying said client of the existence of said condition.*** However, applicant admitted prior art discloses that the application program may itself figure out whether any changes as ***the conditions*** have occurred in the system attributes, so that the program may account for any such changes. Thus, the application program itself

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may contain the complexity of obtaining information about system attributes, and determining whether any changes have occurred in the system attributes (page 2, lines 4-8). Additionally, if changes have occurred in the system attributes, the application program may further determine whether such changes are changes that effect the program or for which the program must account (page 2, lines 8-10), and stimulate notification regarding changes (page 2, lines 1-2). This indicates the step of ***determining that said condition exists; and upon determining that said condition exist, notifying said client of the existence of said condition***. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art by combining the steps of receiving request, querying system, determining condition exist and notifying the client in order to stimulate notification regarding changes of system attributes.

Regarding to claim 2, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 1, and further discloses ***generating derived data based upon the resin; of said query of said system*** (page 3, lines 21-24).

Regarding to claims 3 and 16, applicant admitted prior art teaches all the claimed subject matters as discussed in claims 1 and 13, applicant admitted prior art further discloses ***condition is a change in said attribute*** (page 2, lines 3-5).

Regarding to claim 4, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 1, and further discloses ***attribute is selected from the group consisting of: membership of nodes within a cluster, configuration of a cluster, status of a peripheral device, failure of computer hardware. access to local peripherals, addition of shared peripherals, removal of shared peripherals, ownership of a shared peripheral, availability of shared peripherals for addition to a cluster, resilience to faults of a High Availability cluster, performance potential of a cluster, and any combination thereof*** (page 2, lines 11-20 and page 4, line 28- page 5, line 9).

Regarding to claims 5 and 19, applicant admitted prior art teaches all the claimed subject matters as discussed in claims 1 and 18, applicant admitted prior art further discloses ***client is selected form the group consisting of a user an a client application program*** (page 2, lines 1-6).

Regarding to claim 11, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 1, but fails to disclose ***client is a graphical user interface (GUI) that displays information to a human user***. However, applicant admitted prior art discloses that an application or user may be notified asynchronously of changes in system attributes (page 5, lines 28-29). This indicates a graphical user interface for displaying information. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant

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admitted prior art method by including the GUI for displaying information in order to communicate between a user and system.

Regarding to claim 12, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 11, but fails to disclose the step of ***deriving data to determine if a condition of said one or more attributes exists such that the GUI should redraw the graphics displaying said information about said one or more attributes***. However, applicant admitted prior art discloses that an application or user may be notified asynchronously of changes in system attributes (page 5, lines 28-29). This indicates a graphical user interface redrawing the graphics displaying information about one or more attributes. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art method by including the technique of redrawing the graphics displaying information of attributes in order to provide asynchronously the different views of a system attributes.

Regarding to claim 20, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 18, and further discloses the system comprises ***multiple nodes, wherein at least one of said nodes is executing said reporting application*** (page 2, lines 18-20).



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**4. Claims 6-10, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admitted prior art in view of Sybase [SQL serveräTransact-SQL User's Guide].**

Regarding to claims 6 and 14, applicant admitted prior art teaches all the claimed subject matters as discussed in claims 1 and 13, applicant admitted prior art further discloses an application program can issue commands querying a system and in response to such commands receive "actual" data (page 3, lines 21-23), but fails to teach ***information specifying a query for said system attribute is an SQL query***. Sybase teaches SQL as a high level language for relational database system and using query as a request for retrieval of data by using the select command (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art method and computer program code by using SQL as a high level language in order to query and retrieve complex information of system attributes.

Regarding to claims 7 and 15, applicant admitted prior art and Sybase teaches all the claimed subject matters as discussed in claims 6 and 14, Sybase further discloses ***SQL query comprises an SQL view*** (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification).

Regarding to claim 8, applicant admitted prior art teaches all the claimed subject matters as discussed in claim 1 and further discloses an application program can issue commands querying a system and in response to such commands receive "actual" data, but fails to teach ***information specifying a query for said system attribute comprises multiple transactions bracketed together***. Sybase teaches SQL as a high level language for relational database system and using query as a request for retrieval of data by using the select command and information specifying a query comprises multiple transactions bracketed together (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification, Chapter 2, Queries: Selecting Data From a Table, What are Queries). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art method by including the taught of Sybase of bracketing multiple transactions together in order to have a complex query for information.

Regarding to claims 9 and 17, applicant admitted prior art teaches all the claimed subject matters as discussed in claims 1 and 13, applicant admitted prior art further discloses an application program can issue commands querying a system and in response to such commands receive "actual" data (page 3, lines 21-23) and the program may itself figure out whether any changes have occurred in the system attributes (page 2, lines 3-5). Applicant admitted prior art fails to teaches ***multiple conditions bracketed together, wherein upon determining that such bracketed conditions exist, notifying said client of the existence of such bracketed***

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**conditions.** Sybase teaches SQL as a high level language for relational database system and using query as a request for retrieval of data by using the select command and information specifying a query comprises multiple transactions bracketed together (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification, Chapter 2, Queries: Selecting Data From a Table, What are Queries). Thus, multiple changes as the conditions of the system attributes can be queried by bracketing them together for stimulating notification. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the applicant admitted prior art method by including the taught of Sybase of bracketing multiple conditions together in order to query a complex changes as the conditions of system attributes.

Regarding to claim 10, applicant admitted prior art and Sybase teaches all the claimed subject matters as discussed in claim 9, but fails to disclose **multiple changes bracketed together, wherein upon determining that such bracketed changes exist, notifying said client of the existence of such bracketed changes.** Sybase teaches SQL as a high level language for relational database system and using query as a request for retrieval of data by using the select command and information specifying a query comprises multiple transactions bracketed together (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification, Chapter 2, Queries: Selecting Data From a Table, What are Queries). Thus, multiple changes can be queried by bracketing them together for stimulating notification. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify

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the applicant admitted prior art method by including the taught of Sybase of bracketing multiple changes together in order to query a complex changes of system attributes.

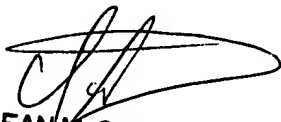
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham

April 22, 2002

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER